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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,688	02/04/2002	Roland Kraus	40997 US	6984

7590 12/03/2003

Tyco Technology Resources  
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EXAMINER,

DINH, PHUONG K

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/067,688	Applicant(s) KRAUS ET AL.	
	Examiner Phuong KT Dinh	Art Unit 2839	<i>Aw</i>

-- Th MAILING DATE of this communication appears on th cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09/05/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 6, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Vincent et al. (U. S. Patent 6,048,108).

Regarding claims 1 and 7, Vincent, see figures, 1-9, discloses a housing 1 for receiving an optical fiber F, F' having a receptacle for the optical fiber, the housing 1 comprising: a retention member 2 initially supported in a pre-assembly position, over the receptacle on the housing 1. The retention member 2 is being made of the same material as the housing (column 2, lines 65, 66).

Regarding claim 5, Vincent discloses the housing comprises guide projections 6, 6', along which the retention member is displaceable.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 2, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harman (U. S. Patent 5,717,813) in view of Smith (European Patent 0 290 188A2).

Regarding claim 1, Harman, see figures, 5A, 5B, discloses a housing for receiving an optical fiber having a receptacle for the optical fiber, the housing comprising: a retention member, see the attachment, initially supported in a pre-assembly position, over the receptacle on the housing. Harman discloses the claimed invention except for the retention member being made of the same material as the housing. Smith (European Patent 0 290 188 A2) (see figure 9) discloses the retention member being made of the same material as the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harman to provide the retention member being made of the same material as the housing as taught by the Smith (European Patent 0 290 188 A2) because this would simplify manufacture.

Regarding claims 2 and 19, Harman discloses the claimed invention except for the retention member is formed integrally with the housing. Smith (European Patent 0 290 188A2) discloses the retention member is formed integrally with the housing see figure 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harman to provide the retention member is formed integrally with the housing as taught by Smith (European Patent 0 290 188 A2) because this would simplify manufacture of assembly.

Regarding claim 8, Harman discloses the claimed invention except for two receptacles, into which two optical fibers are respectively substantially parallel to one

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another. Smith (European Patent 0 290 188 A2) discloses two receptacles into which two optical fibers are respectively substantially parallel to one another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harman to provide two receptacles 20, 21 into which two optical fibers 47, 48 are respectively substantially parallel to one another as taught by Smith (European Patent 0 290 188 A2) because this would provide better assembly.

5. Claims 1, 4, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U. S. Patent 4,730,892) in view of Vincent (U. S. Patent 6,048,108).

Regarding claims 1, 7 Anderson, discloses a housing 10, 12 for receiving an optical fiber 13 having a receptacle (see the attachment) for the optical fiber, the housing 10, 12 comprising: a retention member 16, 14 initially supported in a pre-assembly position, over the receptacle on the housing 10, 12. Anderson discloses the claimed invention except for the retention member being made of the same material as the housing. Vincent discloses the retention member being made of the same material as the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to provide the retention member being made of the same material as the housing as taught by Vincent because this would simplify assembly.

Regarding claim 4, Anderson discloses the claimed invention except for the receptacle for receiving a plunger of an assembly tool. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the receptacle for receiving a plunger of an assembly tool as figure 7 to pushes the retainer in position.

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6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U. S. Patent 4,730,892) in view of Vincent (U. S. Patent 6,048,108) and further in view of Heng (U. S. Patent 4,755,018).

Regarding claim 3, Anderson in view of Vincent disclose the claimed invention except for the teeth. Heng discloses the teeth 1B41' and 1A41'. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson in view of Vincent to provide the teeth as taught by Heng this would help to grip the fiber.

7. Claims 9, 10, 11, 13, 16, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U. S. Patent 4,730,892) in view of Wolfthal (U. S. Patent 4,211,462).

Regarding claim 9, Anderson discloses the claimed invention except for at least one frangible web supporting the retention member in the housing. Wolfthal discloses at least one frangible web 30 supporting the retention member in the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to provide the at least one frangible web supporting the retention member in the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to provide the at least one frangible web supporting the retention member in the housing as taught by Wolfthal in order to facilitate the insertion of the cord into cavity.

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8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U. S. Patent 4,730,892) in view of Wolfthal (U. S. Patent 4,211,462) and further in view of Heng (U. S. Patent 4,755,018).

Regarding claim 12, Anderson in view of Wolfthal disclose the claimed invention except for the teeth. Heng discloses the teeth 1B41' and 1A41'. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson in view of Wolfthal to provide the teeth as taught by Heng so as to grip the wire.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U. S. Patent 4,730,892) in view of Wolfthal (U. S. Patent 4,211,462) and further in view of Smith (European Patent 0 290 188 A2).

Regarding claim 17, Anderson in view of Wolfthal disclose the claimed invention except for two receptacles, into which two optical fibers are respectively substantially parallel to one another. Smith (European Patent 0 290 188 A2) discloses two receptacles into which two optical fibers are respectively substantially parallel to one another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson in view of Wolfthal to provide two receptacles 20, 21 into which two optical fibers 47, 48 are respectively substantially parallel to one another as taught by Smith (European Patent 0 290 188 A2) because this would provide better assembly.

***Allowable Subject Matter***

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10. Claims 6, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the references disclose the guide projections are beveled such that the retention member is fixed clamping when inserted. Nor they disclose "guide projections" in the context of claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-5, 7-13 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**Any response to this action may be mailed to:**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Or Faxed to:**

**(703) 872-9306**

**Hand-delivered responses** should be brought to:

**Crystal Plaza 4, Fourth Floor (Receptionist)**



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2201 South Clark Place, Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong KT Dinh whose telephone number is 703-308-6102. The examiner can normally be reached on 8 -5, 5 days a week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on 703-308-2710. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Examiner

A handwritten signature in black ink, appearing to read 'Phuong Dinh', with a stylized flourish at the end.

**Phuong Dinh**

November 28, 2003